

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2281

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-111 AND 15-112; AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO SCHOOL CURRICULUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding sections 15-111 and 15-112, to read:

4 15-111. Declaration of policy

5 THE LEGISLATURE FINDS AND DECLARES THAT PUBLIC SCHOOL PUPILS SHOULD BE
6 TAUGHT TO TREAT AND VALUE EACH OTHER AS INDIVIDUALS AND NOT BE TAUGHT TO
7 RESENT OR HATE OTHER RACES OR CLASSES OF PEOPLE.

8 15-112. Prohibited courses and classes; enforcement

9 A. A SCHOOL DISTRICT OR CHARTER SCHOOL IN THIS STATE SHALL NOT INCLUDE
10 IN ITS PROGRAM OF INSTRUCTION ANY COURSES OR CLASSES THAT:

- 11 1. PROMOTE THE OVERTHROW OF THE UNITED STATES GOVERNMENT.
- 12 2. PROMOTE RESENTMENT TOWARD A RACE OR CLASS OF PEOPLE.
- 13 3. ARE DESIGNED PRIMARILY FOR PUPILS OF A PARTICULAR ETHNIC GROUP.
- 14 4. ADVOCATE ETHNIC SOLIDARITY INSTEAD OF THE TREATMENT OF PUPILS AS
15 INDIVIDUALS.

16 B. IF THE STATE BOARD OF EDUCATION DETERMINES THAT A SCHOOL DISTRICT
17 OR CHARTER SCHOOL IS IN VIOLATION OF SUBSECTION A, THE STATE BOARD OF
18 EDUCATION SHALL DIRECT THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO NOTIFY THE
19 SCHOOL DISTRICT OR CHARTER SCHOOL THAT IT IS IN VIOLATION OF
20 SUBSECTION A. IF THE STATE BOARD OF EDUCATION DETERMINES THAT THE SCHOOL
21 DISTRICT OR CHARTER SCHOOL HAS FAILED TO COMPLY WITH SUBSECTION A WITHIN
22 SIXTY DAYS AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO THIS SUBSECTION, THE
23 STATE BOARD OF EDUCATION MAY DIRECT THE DEPARTMENT OF EDUCATION TO WITHHOLD
24 UP TO TEN PER CENT OF THE MONTHLY APPORTIONMENT OF STATE AID THAT WOULD
25 OTHERWISE BE DUE THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE DEPARTMENT OF
26 EDUCATION SHALL ADJUST THE SCHOOL DISTRICT OR CHARTER SCHOOL'S APPORTIONMENT
27 ACCORDINGLY. WHEN THE STATE BOARD OF EDUCATION DETERMINES THAT THE SCHOOL
28 DISTRICT OR CHARTER SCHOOL IS IN COMPLIANCE WITH SUBSECTION A, THE DEPARTMENT
29 OF EDUCATION SHALL RESTORE THE FULL AMOUNT OF STATE AID PAYMENTS TO THE
30 SCHOOL DISTRICT OR CHARTER SCHOOL.

31 C. ACTIONS TAKEN UNDER THIS SECTION ARE SUBJECT TO APPEAL PURSUANT TO
32 TITLE 41, CHAPTER 6, ARTICLE 10.

33 D. THIS SECTION SHALL NOT BE CONSTRUED TO RESTRICT OR PROHIBIT:

- 34 1. COURSES OR CLASSES FOR NATIVE AMERICAN PUPILS THAT ARE REQUIRED TO
35 COMPLY WITH FEDERAL LAW.
- 36 2. THE GROUPING OF PUPILS ACCORDING TO ACADEMIC PERFORMANCE, INCLUDING
37 CAPABILITY IN THE ENGLISH LANGUAGE, THAT MAY RESULT IN A DISPARATE IMPACT BY
38 ETHNICITY.
- 39 3. COURSES OR CLASSES THAT INCLUDE THE HISTORY OF ANY ETHNIC GROUP AND
40 THAT ARE OPEN TO ALL STUDENTS, UNLESS THE COURSE OR CLASS VIOLATES
41 SUBSECTION A.

42 Sec. 2. Section 15-843, Arizona Revised Statutes, is amended to read:

43 15-843. Pupil disciplinary proceedings

44 A. An action concerning discipline, suspension or expulsion of a pupil
45 is not subject to title 38, chapter 3, article 3.1, except that the governing

1 board of a school district shall post regular notice and shall take minutes
2 of any hearing held by the governing board concerning the discipline,
3 suspension or expulsion of a pupil.

4 B. The governing board of any school district, in consultation with
5 the teachers and parents of the school district, shall prescribe rules for
6 the discipline, suspension and expulsion of pupils. The rules shall be
7 consistent with the constitutional rights of pupils and shall include at
8 least the following:

9 1. Penalties for excessive pupil absenteeism pursuant to section
10 15-803, including failure in a subject, failure to pass a grade, suspension
11 or expulsion.

12 2. Procedures for the use of corporal punishment if allowed by the
13 governing board.

14 3. Procedures for the reasonable use of physical force by certificated
15 or classified personnel in self-defense, defense of others and defense of
16 property.

17 4. Procedures for dealing with pupils who have committed or who are
18 believed to have committed a crime.

19 5. A notice and hearing procedure for cases concerning the suspension
20 of a pupil for more than ten days.

21 6. Procedures and conditions for readmission of a pupil who has been
22 expelled or suspended for more than ten days.

23 7. Procedures for appeal to the governing board of the suspension of a
24 pupil for more than ten days, if the decision to suspend the pupil was not
25 made by the governing board.

26 8. Procedures for appeal of the recommendation of the hearing officer
27 or officers designated by the board as provided in subsection F of this
28 section at the time the board considers the recommendation.

29 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
30 section for excessive absenteeism shall not be applied to pupils who have
31 completed the course requirements and whose absence from school is due solely
32 to illness, disease or accident as certified by a person who is licensed
33 pursuant to title 32, chapter 7, 13, 15 or 17.

34 D. The governing board shall:

35 1. Support and assist teachers in the implementation and enforcement
36 of the rules prescribed pursuant to subsection B of this section.

37 2. Develop procedures allowing teachers and principals to recommend
38 the suspension or expulsion of pupils.

39 3. Develop procedures allowing teachers and principals to temporarily
40 remove disruptive pupils from a class.

41 4. Delegate to the principal the authority to remove a disruptive
42 pupil from the classroom.

43 E. If a pupil withdraws from school after receiving notice of possible
44 action concerning discipline, expulsion or suspension, the governing board

1 may continue with the action after the withdrawal and may record the results
2 of such action in the pupil's permanent file.

3 F. In all action concerning the expulsion of a pupil, the governing
4 board of a school district shall:

5 1. Be notified of the intended action.

6 2. Either:

7 (a) Decide, in executive session, whether to hold a hearing or to
8 designate one or more hearing officers to hold a hearing to hear the
9 evidence, prepare a record and bring a recommendation to the board for action
10 and whether the hearing shall be held in executive session.

11 (b) Provide by policy or vote at its annual organizational meeting
12 that all hearings concerning the expulsion of a pupil conducted pursuant to
13 this section will be conducted before a hearing officer selected from a list
14 of hearing officers approved by the governing board.

15 3. Give written notice, at least five working days before the hearing
16 by the governing board or the hearing officer or officers designated by the
17 governing board, to all pupils subject to expulsion and their parents or
18 guardians of the date, time and place of the hearing. If the governing board
19 decides that the hearing is to be held in executive session, the written
20 notice shall include a statement of the right of the parents or guardians or
21 an emancipated pupil who is subject to expulsion to object to the governing
22 board's decision to have the hearing held in executive session. Objections
23 shall be made in writing to the governing board.

24 G. If a parent or guardian or an emancipated pupil who is subject to
25 expulsion disagrees that the hearing should be held in executive session, it
26 shall be held in an open meeting unless:

27 1. If only one pupil is subject to expulsion and disagreement exists
28 between that pupil's parents or guardians, the governing board, after
29 consultations with the pupil's parents or guardians or the emancipated pupil,
30 shall decide in executive session whether the hearing will be in executive
31 session.

32 2. If more than one pupil is subject to expulsion and disagreement
33 exists between the parents or guardians of different pupils, separate
34 hearings shall be held subject to this section.

35 H. This section does not prevent the pupil who is subject to expulsion
36 or suspension, and the pupil's parents or guardians and legal counsel, from
37 attending any executive session pertaining to the proposed disciplinary
38 action, from having access to the minutes and testimony of the executive
39 session or from recording the session at the parent's or guardian's expense.

40 I. In schools employing a superintendent or a principal, the authority
41 to suspend a pupil from school is vested in the superintendent, principal or
42 other school officials granted this power by the governing board of the
43 school district.

44 J. In schools that do not have a superintendent or principal, a
45 teacher may suspend a pupil from school.

1 K. In all cases of suspension, it shall be for good cause and shall be
2 reported within five days to the governing board by the superintendent or the
3 person imposing the suspension.

4 L. RULES PERTAINING TO THE DISCIPLINE, SUSPENSION AND EXPULSION OF
5 PUPILS SHALL NOT BE BASED ON RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN OR
6 ANCESTRY. IF THE DEPARTMENT OF EDUCATION, THE AUDITOR GENERAL OR THE
7 ATTORNEY GENERAL DETERMINES THAT A SCHOOL DISTRICT IS SUBSTANTIALLY AND
8 DELIBERATELY NOT IN COMPLIANCE WITH THIS SUBSECTION AND IF THE SCHOOL
9 DISTRICT HAS FAILED TO CORRECT THE DEFICIENCY WITHIN NINETY DAYS AFTER
10 RECEIVING NOTICE FROM THE DEPARTMENT OF EDUCATION, THE SUPERINTENDENT OF
11 PUBLIC INSTRUCTION MAY WITHHOLD THE MONIES THE SCHOOL DISTRICT WOULD
12 OTHERWISE BE ENTITLED TO RECEIVE FROM THE DATE OF THE DETERMINATION OF
13 NONCOMPLIANCE UNTIL THE DEPARTMENT OF EDUCATION DETERMINES THAT THE SCHOOL
14 DISTRICT IS IN COMPLIANCE WITH THIS SUBSECTION.

15 ~~L.~~ M. The principal of each school shall ensure that a copy of all
16 rules pertaining to discipline, suspension and expulsion of pupils is
17 distributed to the parents of each pupil at the time the pupil is enrolled in
18 school.

19 ~~M.~~ N. The principal of each school shall ensure that all rules
20 pertaining to the discipline, suspension and expulsion of pupils are
21 communicated to students at the beginning of each school year, and to
22 transfer students at the time of their enrollment in the school.